

CHOCTAW INDIANS.

MEMORIAL

OF

J. F. H. CLAIBORNE,

Praying that the law of 1842, creating the Choctaw commission, be repealed; and that provision be made to satisfy the just claims of the Choctaw Indians, and for their removal from the State of Mississippi.

FEBRUARY 19, 1844.

Referred to the Committee on Indian Affairs.

To the Senate and House of Representatives of the United States:

The memorial of John F. H. Claiborne, a citizen of the State of Mississippi,
RESPECTFULLY REPRESENTS:

That, under the act of Congress of 1842, he was appointed a commissioner to examine and adjudicate the unsettled Choctaw claims arising out of the treaty of Dancing Rabbit creek. Your memorialist entered upon the duties of his office on the 19th of December, 1842, at Hopahka, in the State of Mississippi, and some two hundred and fifty heads of Choctaw families, or the representatives of heads of families, presented themselves as claimants under the 14th article of the treaty aforesaid. The general average, including children by adoption, is about six to the family. The claimant came forward with a written statement of his case, setting forth all the facts material to a good and valid claim, and invariably concluding with an affirmation that he had never, within five years from and after the ratification of the treaty, made any contract, or binding contract, or assignment of his claim, either in whole or in part. This statement was sworn to by the claimant. One or more Choctaw witnesses were introduced in support of each claim, who were examined through the medium of an interpreter, and they uniformly confirmed the statement of the claimant upon the point of contracts and assignments. And it is due to these parties to say, that they submitted their testimony with every appearance of sincerity and truth. No rebutting testimony having been produced, and nothing having occurred to cast suspicion upon the integrity of the parties, favorable judgments were subsequently rendered upon many of these claims, and they were transmitted to the supervising authorities at Washington.

Some time thereafter, the Commissioner of Indian Affairs, in a letter dated 17th of June, 1843, enclosed a communication from General Reuben H. Grant, of this State, charging, generally, that the Choctaw claims were

fraudulent and unfounded; and specially, that the cases sent on from Hopahka were "mostly frauds," and should be remanded for reviewal. The Commissioner urged the necessity of increased vigilance, and the appointment of one or more agents to collect opposing testimony, to protect the Government against frauds. An agent was therefore appointed, and a number of instruments, purporting to be contracts or assignments, of a suspicious and extraordinary character, between the Indians and certain white men, were discovered; and other circumstances occurred, and other information was obtained, which left no doubt that *all* the Indians now claiming under the 14th article had been induced, by deceptive representations, to assign their claims to speculators. So strong was this impression, that on the 23d of August, your memorialist, in an official letter, advised the Commissioner of Indian Affairs to suspend all the cases transmitted, and take no final action thereon until a further investigation could be had. This was followed by the necessary steps preliminary to a more thorough and sifting inquiry, which was to have been commenced on the third Monday in November last, but which was frustrated and broken up in the manner and for the reasons detailed in the statement marked A, hereunto appended, and which your memorialist has recently caused to be placed on the tables of your honorable body. Since that event, your memorialist has refused to have any connexion with the commission; well knowing that, organized as it is, and liable at any moment to be disturbed and interrupted by the influence of speculators, no such investigation as would be essential to secure the ends of justice, and protect the Government and the Indian, could be obtained.

Your memorialist solemnly avers his belief that gross and extensive frauds are in contemplation on the Government and the Indian; that fraud has been practised, by increasing the number of claimants who are rightfully entitled to indemnity, and that all of them have been deluded by shrewd and designing white men into contracts and agreements obnoxious to every principle of law and justice. He avers that advantage has been taken of their ignorance to make them disavow, under oath, the existence of any such contracts or agreements; thus rendering these unfortunate and impoverished people liable to the legal penalties of perjury. The contracts made with the Choctaws, it is ascertained, are of several descriptions. In some cases, half the land claimed is conveyed to the speculator; in others, the conveyance is absolute for the whole of it; in others, powers of attorney are given, with full and entire control over the claim. These hard bargains were obtained from the Indian, by inducing him to believe that his claim was desperate, but that the wealth, power, and influence of the speculator would secure it for him; and they also, in most instances, pledged themselves, in the body of these instruments, to secure for him the dearest of all privileges—that of remaining in his ancient home, within the limits of the State of Mississippi, surrounded by the humble but cherished memorials of his ancestors. They have constantly held out this idea to the Indians, using every effort to thwart the agents who have, from time to time, been sent by Government to effect their removal—a line of policy they successfully and steadily pursued, as there is abundant evidence to show, until, under recent instructions from the War Department, they ascertained that no scrip would be paid out unless the emigration commenced; since which, as can be fully established, from sordid motives only, some of them have resorted to means to *coerce* this emigration, unparalleled in a

christian country, and shocking to all our ideas of right, and of what is due from a great, civilized, and cultivated people to an unhappy race—our friends when they were powerful and free, but now reduced and impoverished; ignorant of our laws and language, and the extent of their rights, and abandoned to the Shylock care and stepmother tenderness of speculators.

All this, and more, your memorialist believes, could be established before a tribunal competent to protect its officers and witnesses from violence and bloodshed, and where disclosures from the speculators themselves, and the production of the contracts, made before and *since* the expiration of the five years aforesaid, might be *coerced*. But, before a board of commissioners, organized under the existing law, with so many influences at work, here and elsewhere, to stifle investigation, and to corrupt, embarrass, intimidate, and endanger individuals disposed to question the honesty of the transaction, little can be hoped for. A complete system of *espionage* is maintained upon the claimants; most of them are indebted for small amounts, in goods, or other property, (furnished through the speculator, at exorbitant rates,) and they are kept in worse than the subjection of slaves, by threats of actions for debt, and by the terrors of fine, imprisonment, and the penitentiary, held over them for real or imaginary infractions of laws, of whose very existence they are ignorant. Each company of speculators retains constantly a corps of subordinates, (many of whom understand the Choctaw language,) whose duty it is to delude and alarm the Indians. It is not to be wondered at, then, that parties thus guarded, and oppressed, and cut off, by their ignorance of our language, from all communication except with or through these companies and their agents, should be made convenient instruments for the accomplishment of a FRAUD, not inferior in extent and infamy to the one so memorable in our early annals, every record of which was ordered by the Legislature of a sovereign State to be burned with fire from heaven, that the attention of all mankind might be drawn to its enormity.

Your memorialist begs leave most respectfully to remind your honorable body that the United States and the State of Mississippi are both deeply interested in this matter, not only as great moral agents, bound in their respective spheres to protect an orphan people, but also in a pecuniary point of view. Most of the lands upon which the Indians resided at the date of the treaty having been sold by the United States, if their claims are allowed, scrip must be awarded them; which scrip, under the act of 1842, may be located on any land subject to entry in Louisiana, Arkansas, Mississippi, and Alabama. The magnitude of this claim may be estimated on very satisfactory data. Major Armstrong, who took the census directly after the treaty, makes the whole number of Choctaws 19,554. Of these, he emigrated 15,000—leaving, as he supposed, only 4,554 within the limits of the ceded district. In 1837, Mr. Bell, chairman of the Committee on Indian Affairs, from statistics furnished by the War Department, estimated that there were but 750 heads of families; and believing the claim thus limited, Congress was reluctantly induced to consent to the establishment of a board of commissioners—and that, too, against the opinion of the Senators and Representatives of this State, then equally representing the two great political parties of the country; and also against the solemn expression of the Legislature of the State, that the claim was full of fraud and infamy. When the first board was organized, 1,349 persons, claiming to have

been heads of families at the date of the treaty, registered their names, and 1,200 applied to the late commissioners. Estimating these at *six* to each family, we have 10,196 persons who were here at the treaty—just 5,642 *more* than Major Armstrong supposed he had left in the country. To satisfy their claims would require 2,549 sections; and supposing each claimant to have had two children over, and two under ten years, it would require 5,098 half sections and 5,098 quarter sections, making 3,670,580 acres—a quantity greater than all the unsold lands now in the Choctaw cession. The whole amount of lands sold by the Choctaws was 7,796,000 acres: 225,000 acres have been selected to satisfy admitted claims under the treaty. The 19th article claims are estimated at 30,000 acres. If all the claims favorably reported on by the former board are allowed, 226,720 acres will be wanted to satisfy them. Up to the 31st December, 1841, the United States had sold 4,979,408 acres of these lands; and, allowing for subsequent entries, we may set the amount sold down at 5,000,000 of acres—leaving only 2,314,280 acres undisposed of. Deduct from this the various amounts above stated, and it will be seen that the scrip to be awarded on these claims will sweep every acre now unsold in the Choctaw cession, and leave a surplus of 1,356,300 acres to be located on the rich cane-brakes and bayous of Louisiana and Arkansas. In other words, lands to the value of six millions of dollars may be secured by these scrip-holders—an amount, that, under the present system of selling lands by public outcry entry and pre-emption, would otherwise speedily flow into the public treasury. In the same ratio would the State of Mississippi be the sufferer. The benefits arising from any future grant of lands to her for great public purposes, from an extension of the pre-emption system, or the reduction of the public lands within her limits, would be greatly diminished in value by the competition of this scrip. It should not be permitted to operate injuriously on her local interests, because the indemnity due to the Choctaws is a national debt, and should be paid out of the national treasury, in money.

But it is for the unhappy claimants themselves that your memorialist prays the interposition of your honorable body. Silent from compulsion, or forced to speak a language that finds no echo in their hearts, he appeals to you for the melancholy survivors of a once numerous race, who, notwithstanding all they have suffered, still think, with the characteristic faith and patience of the red man, that they stand under your shadow. Long since struck from the roll of nations, their social condition is deplorable indeed. Their very weakness and dependence appeal to the sympathies of a proud, powerful, and christian people. Poor, illiterate, steeped in the darkest superstitions, exposed to all the vices of civilization, without enjoying its ameliorating influences, they wander here in a country once their own, and sold against their consent, gleanng a precarious subsistence, and enduring too often, in this land of abundance, the pangs of hunger. For them there is no fixed habitation; and *home* is a paradise the poor Indian may dream of, but not enjoy. They camp near the school-house, and within the sound of the church-going bell; but their children are never taught, and the words of the Evangelist fall not on *their* ears. The people of Mississippi feel for them a deep and abiding sympathy, natives as they are of the venerated earth we tread—worshipping the same Great Spirit, and nursed under the same stars and skies. If they do cling around the graves of their fathers, it is from a feeling we ourselves hold sacred—a love of country, a veneration for our native land; without which, patriotism would

be a shadow, and not that holy fire which burns upon the altars of liberty, and glows even amidst its ashes. It is for these men that your memorialist appeals to your honorable body—men who never shed one drop of American blood, the warriors of Pushmatahah and Apuck-she-nubbee, who, like their fathers that fought with Wayne, rallied around our national standard during the last war, and stayed the merciless Mus-ko-gee in his career of butchery and conflagration.

Your memorialist prays you to protect them against those who, after having again and again been driven off by the suspicions of the Government, still slink around like hungry wolves to cranch the bones and lap up, as it were, the last life-blood of a once noble but now miserable race. Under a commission they will all be defrauded. The land awarded to them will be obtained by a speculator, or sold for taxes, and the scrip will enure to the benefit of others. After the known hazard and difficulty that attended the effort of your memorialist to protect the Choctaw and the Government, no man will venture to oppose the power of the speculators; and the consequence will be the accomplishment of their schemes, if the present law is permitted to stand. But if your honorable body should deem it expedient to repeal the act of 1842, and authorize the employment of influential men residing among the Choctaws, and unconnected with this speculation, your memorialist believes all, or nearly all, the Choctaws could be emancipated from the control of speculators, and be induced, for a reasonable equivalent, to quit claim under the treaty, and emigrate to the west. Let each Choctaw head of a family be removed at the expense of Government, be supported for twelve months thereafter, and receive the value of a section of land in lieu of land or scrip; the principal to be funded, the interest to be paid him annually. This mode of payment strikes directly at the root of this enormous fraud; will save to the Government at least a million of dollars, and relieve actual settlers from the competition of scrip-holders. Unless some such substitute be adopted for the existing mode of settling these claims, the Choctaws will derive no benefit from the indemnity allowed them, and the Government be defrauded out of millions of its most valuable domain, every acre of which, at this epoch of insolvency, is essential to the credit of the Government and the States. By adopting this plan, one great object of public policy may be greatly expedited—to wit, *the removal of the Indians*; a measure called for by humanity in its loudest tones. Their condition among the whites is now wretched in the extreme; those that are partially civilized, still retain the improvidence of their race, and are incumbered with debt; but the bulk are yet in a savage state, recognising no sabbath and no moral restraints, seldom sufficiently provided with food, with little more than a tattered blanket to protect them in winter, and too indolent even to provide their shivering wives and children with moccasins. All classes and sexes are habitually intemperate, ready to barter any chattel in their possession for whiskey, and under its influence many of them have been deluded into these fraudulent assignments of their rights. Give him one drink, and this free man of the woods is ready to perform any service, however menial—pay any price, however exorbitant, to obtain another. When sober, he is docile, obedient, and easily controlled; when drunk—headstrong, quarrelsome, and partially insane. They seldom quarrel, and never fight, unless when intoxicated; they then become vindictive and bloodthirsty. *Since the treaty, more than four hundred have been killed by each other, or died by their own hands, to expiate the death of*

another, within the limits of this State, and under the jurisdiction of our courts. This statement, however startling and shocking, is nevertheless true. It is no uncommon spectacle to see fifty at a time in our county-towns plunged for days in the most horrid debauchery, and almost invariably one or more are murdered before they disperse; and then speedily ensues the self-execution of the survivor, or he dies by the hands of his next of kin, after having chaunted his death-song on the verge of a grave dug by his own hands. Some eight or ten have been thus murdered since the organization of the present commission, and several killed on *suspicion of witchcraft!* and this, in a civilized and christian community!! Every year adds to the poverty and moral deterioration of the race; and it is respectfully suggested that their speedy removal to the west, where laws and regulations better adapted to their nature and condition are enforced, can alone preserve them. And your memorialist is firmly persuaded that the plan he has recommended will most easily accomplish their removal. If this emigration be made to depend upon an investigation of their claims before a commission, it will either be postponed for years, or the investigation be so superficial as to sanction, and allow to pass undetected, the vast frauds now on foot; and which are so artfully covered, and ably maintained, that nothing short of the powers of a court of equity, resolutely enforced, can detect them.

Your memorialist, while in office, was violently assailed and traduced for, daring to do his duty; but, challenging scrutiny into all his official acts, he holds himself ready at any time to appear before any committee of your honorable body, and give all the information relative to these claims which his recent position enabled him to acquire.

And, as in duty, &c., &c.,

JOHN F. H. CLAIBORNE.

NATCHEZ, January 8, 1844.

LANDS OF GRAND RAPIDS COUNTY

RESOLUTION

THE LEGISLATURE OF MICHIGAN

For an appropriation of land in the Grand Rapids

February 10, 1891.

Read and referred to the Committee on Public Lands.

WHEREAS, the State of Michigan, under authority of the United States Government, has acquired certain lands in the Grand Rapids

Michigan by the State and River of the Grand Rapids of the United States, That said Senator and Representatives in Congress at various of which have had occasion to procure an appropriation of land from the United States being within the vicinity of the line of the Grand River and, in Michigan, to report, and make the report.

Resolved, That the Secretary of the State be requested to prepare a report of the foregoing resolution in such of said Senators and Representatives as Congress.

ROBERT C. LUTHER

Speaker of the House of Representatives

WILLIAM H. COY

President of the Senate

Approved January 24, 1891.

JOHN J. HANCOCK

Mayor of Grand Rapids.

I do hereby certify that the annexed and foregoing is a true and correct copy of the original and authentic copy of the same as the same is on file in the office of the Secretary of the State of Michigan.

In witness whereof, I have hereunto set my hand, and the seal of the State of Michigan, at Grand Rapids, this 10th day of February, 1891.

THOMAS F. BRADLEY

County Clerk of Grand Rapids

